

AMENDED IN ASSEMBLY APRIL 24, 2007

AMENDED IN ASSEMBLY MARCH 26, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 591

Introduced by Assembly Member Dymally

February 21, 2007

An act to amend Section 87482.5 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 591, as amended, Dymally. Community colleges: non-tenure track temporary faculty employees.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law requires that a person employed to teach adult or community college classes for not more than 60% of the hours per week of a full-time employee having comparable duties, excluding substitute service, be classified as a temporary employee and not become a contract employee. Existing law provides that service in professional ancillary services, including, but not necessarily limited to, governance, staff development, grant writing, and advising student organizations, by persons employed under these provisions shall not be used for purposes of calculating eligibility for contract or regular status unless otherwise provided for in a collective bargaining agreement applicable to a person employed under this provision.

This bill would instead provide that any person who is employed to teach adult or community college classes for ~~less than~~ *up to* 100% of the hours per week considered a full-time assignment for regular

employees having comparable duties would be classified as a non-tenure track temporary faculty employee. The bill would require that a non-tenure track temporary faculty employee receive pay and benefits that are equal to those of tenured and ~~tenure-track~~ *tenure-track* faculty of comparable qualifications doing comparable work, as determined on a parity basis, as defined.

The bill would require that, if a non-tenure track temporary faculty member teaches at least 40% of a full load, that faculty member be eligible for the same health care benefits that are received by tenured and ~~tenure-track~~ *tenure-track* faculty in that district. The bill would require a district to hire at least 50% of its full-time ~~tenure-track~~ *tenure-track* faculty from the pool of its qualified non-tenure track temporary faculty employees. ~~The bill would require that, in the event that no bargaining unit represents non-tenure track temporary faculty employees in labor negotiations, the chancellor's office shall enter into, and conclude, negotiations on behalf of non-tenure track temporary faculty employees in the district.~~

To the extent that the bill would impose additional duties on community college districts with respect to the classification and compensation of academic employees, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 87482.5 of the Education Code is
2 amended to read:
3 87482.5. (a) (1) Notwithstanding any other provision of law,
4 any person who is employed to teach adult or community college
5 classes for ~~less than~~ *up to* 100 percent of the hours per week that
6 constitute a full-time assignment for regular employees having
7 comparable duties shall be classified as a non-tenure track

1 temporary faculty employee, and shall not become a contract
2 employee under Section 87605.

3 (2) As used in this section:

4 (A) “Non-tenure track” means that the faculty member teaches
5 a number of hours equal to or less than the number of hours per
6 week that constitute a full-time assignment for a tenured or
7 tenure-track faculty member, but is not on a tenure track.

8 (B) “Parity basis” means in accordance with a principle of equal
9 pay for equal work.

10 (C) “Temporary” means that the faculty member’s position is
11 for a limited term, and does not qualify him or her for evaluation
12 for the possible conferral of tenured status.

13 (b) (1) A non-tenure track temporary faculty employee shall
14 receive pay and benefits that are equal to the pay and benefits
15 received by those tenured and ~~tenure-track~~ *tenure-track* faculty of
16 comparable qualifications doing comparable work, as determined
17 on a parity basis. If a non-tenure track temporary faculty member
18 teaches at least 40 percent of a full load, that faculty member shall
19 be eligible for the same health care benefits that are received by
20 tenured and ~~tenure-track~~ *tenure-track* faculty in that district.

21 (2) A district shall reduce the difference between the amount
22 of salaries and benefits paid to non-tenure track temporary and
23 full-time faculty by 50 percent each academic year until these
24 salaries and benefits are on a parity basis.

25 (c) Service as a substitute on a day-to-day basis by persons
26 employed under this section shall not be used for purposes of
27 calculating eligibility for contract or tenured or ~~tenure-track~~
28 *tenure-track* status.

29 (d) (1) Service in professional ancillary activities by persons
30 employed under this section, including, but not necessarily limited
31 to, governance, staff development, grant writing, and advising
32 student organizations, shall not be used for purposes of calculating
33 eligibility for contract or regular status unless otherwise provided
34 for in a collective bargaining agreement applicable to a person
35 employed under this section.

36 (2) This subdivision may not be construed to affect the
37 requirements of subdivision (d) of Section 84362, *except in*
38 *accordance with Sections 87481 and 87482.*

1 (e) A district shall hire at least 50 percent of its full-time ~~tenure~~
2 ~~track~~ *tenure-track* faculty from the pool of its qualified non-tenure
3 track temporary faculty employees.

4 (f) ~~While all~~ *All* benefits, load calculations, and hiring may be
5 subject to a collective bargaining process that includes exclusive
6 representatives of full-time and non-tenure track temporary faculty
7 employees serving at the institution, ~~in the event that no bargaining~~
8 ~~unit represents non-tenure track temporary faculty employees, the~~
9 ~~chancellor's office shall enter into, and conclude, negotiations on~~
10 ~~behalf of non-tenure track temporary faculty employees in the~~
11 ~~district.~~

12 SEC. 2. If the Commission on State Mandates determines that
13 this act contains costs mandated by the state, reimbursement to
14 local agencies and school districts for those costs shall be made
15 pursuant to Part 7 (commencing with Section 17500) of Division
16 4 of Title 2 of the Government Code.